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Attorney's Docket: 2003DE117  
Serial No.: 10/533,475  
Group: 1713REMARKS

The Office Action mailed January 10, 2007, has been carefully considered together with the reference cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-13 are pending in this Application. By this Amendment, Applicants have amended claims 1, 10 and 11, while claim 8 has been cancelled. The claims under consideration, therefore, include claims 1-7 and 9-13.

Claim Objection

The Office objects to claims 1, 10 and 11, as it alleges that such claims are of identical scope and, therefore, redundant. Applicants respectfully can not agree.

An examination of claims 1, 10 and 11 indicate that such claims do have differing scope. Specifically, claim 1 is directed to a hot melt adhesive having at least one polyolefin wax prepared using a metallocene catalyst. Claim 10 is a hot melt adhesive containing polyolefin waxes prepared using metallocene catalysts, while amended claim 11 is directed to a polyolefin wax prepared using metallocene catalysts. Given the difference between the singularity and plurality of the metallocene catalyst and polyolefin wax present in the respective claims, it is respectfully contended that such claims are not of identical scope, nor redundant.

Claim Rejections Under 35 USC § 102 and 35 USC § 103(a)

Claims 1-13 stand rejected under 35 USC § 102(b) as being anticipated by, or, in the alternative, under 35 USC § 103(a), as being obvious over Hohner (US 5,998,547). This rejection is respectfully overcome.

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The Office will note that independent claims 1, 10 and 11 have been amended to recite that the polyolefin wax or the polyolefin waxes are not polar modified.

An examination of Hohner indicates that such reference is specifically directed to waxes modified so as to be polar. See, *inter alia*, Abstract, column 1, lines 55-59; column 2, lines 1-3; column 3, lines 35-36; the examples in columns 3-6 and claim 1 in column 5.

Turning to anticipation, it is respectfully contended that as Applicants claim a non-modified polyolefin wax, the instant invention can not be anticipated by Hohner.

With respect to obviousness, it is Applicants' courteous position that one with ordinary skill in the art would not have any incentive to modify Hohner to arrive at the instantly claimed invention. In contrast, the ordinary artisan having knowledge of Hohner would have an express disincentive to modify Hohner in a manner that would allow arrival at the claimed invention. The reason for this, simply put, is that Hohner specifically, and only, teaches waxes that are modified to be polar. An artisan, having ordinary skill, would first necessarily have to abandon the express teachings of Hohner to arrive at the instantly claimed invention, and thus, has an express disincentive to do so. In consequence, it is respectfully contended that Hohner can not make the present invention obvious as the requisite motivation is entirely lacking. Furthermore, any motivation found by the Office necessary to substantiate its § 103 rejection is, in Applicants' courteous opinion, the product of impermissible hindsight gained by a knowledge of Applicants' disclosure.

In view of the foregoing, it is respectfully contended that the 35 USC § 102 and 35 USC § 103 rejections have been overcome. In consequence, Applicants respectfully solicit reconsideration and withdrawal of the rejections.

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In view of the forgoing amendments and remarks, the Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,

  
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